

REMARKS

As stated in Applicants' previous response, Cutler et al. (US 6,117,820) has the same inventive entity (Julia Cutler and Michael Bean) as the instant application, i.e., Cutler is not a patent "by another". Julia Lynne Cuttler and Julia Lynne Ramsay are the same person.

Claims 1 and 3-16 have been rejected under the judicially created doctrine of obviousness double-patenting as being unpatentable over claims 1-13 of Cutler et al. (US 6,117,820) in view of Osborn et al. (US 6,010,979) and Finch, Jr. (US 5,078,781) and Albright & Wilson (EP 0 388 239).

Applicants submit herewith a Terminal Disclaimer in compliance with 37 CFR 1.321 (c) and submit that the above rejection has been overcome. Both US 6,117,820 and the instant application are commonly owned and assigned to Zeneca Limited, which is now Syngenta Limited by way of name change (certification attached).


In view of the above arguments, Applicant respectfully submits that the rejections under the judicially created doctrine of obviousness double-patenting has been overcome and hereby request that this application be passed to issue.

The Commissioner is hereby authorized to charge fees under 37 CFR §1.20(d) in the amount of \$110 for the enclosed Terminal Disclaimer to Account No. 50-1676 in the name of Syngenta Crop Protection, Inc. As this response is submitted within three months from the mailing date of the Office Action no additional fees are due.

However, in the event the undersigned is mistaken in his calculations, an appropriate extension of time to respond is respectfully requested, and the Commissioner is authorised to debit the appropriate fee for that extension, or any other fee, from the deposit account of the undersigned, no 50-1676 in the name of Syngenta Crop Protection, Inc.

Syngenta Crop Protection, Inc.
Patent and Trademark Dept.
410 Swing Road
Greensboro, NC 27409
(336) 632-7586

Respectfully submitted,



Thomas Hamilton
Attorney for Applicant
Reg. No. 40,464

Date: September 16, 2004

BEST AVAILABLE COPY

I certify this to be a true and
accurate copy of the original
Lilly Baskin
ANTHONY Baskin
BRACKNELL
ENGLAND
NOTARY PUBLIC



THE COMPANIES ACT 1985

Company No. 2710846

The Registrar of Companies for England and Wales hereby certifies that

SYNGENTA LIMITED (originally called HACKREMCO (NO. 757) LIMITED, changed its name on 25th September 1992 to ICI Bioscience Limited, which was changed on 18th November 1992 to ZENECA LIMITED, which was changed on 21st November 2000 to SYNGENTA LIMITED, each change having been made by special resolution) was incorporated under the Companies Act 1985 as a limited company on 29th April 1992.

The Registrar further certifies that according to the documents on the file of the company, the situation of the registered office is FERNHURST, HASLEMERE, SURREY, GU27 3JE.

The registered office was previously notified as being situated at 15 STANHOPE GATE, LONDON W1Y 6LN. *****

Given at Companies House, Cardiff the 16th February 2001

Richard J Evans

RICHARD J EVANS

for the Registrar of Companies



Companies House